

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 23**

**Special Meeting**  
**August 6, 2007**

# Town Board Minutes

August 6, 2007

Meeting No. 23

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of August 2007, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT** MARK MONTOUR, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

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## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
DAIRY QUEEN GRILL & CHILL RESTAURANT SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Dairy Queen Grill & Chill Restaurant site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 0.8 acres.

The location of the premises being reviewed is situate at 6711 Transit Road, County of Erie, Town of Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:**  
**DAIRY QUEEN GRILL & CHILL RESTAURANT SITE PLAN**  
**NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.

- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)

- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

**No significant adverse effects noted**

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

**No significant adverse effects noted**

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

**No significant adverse effects noted**

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

**No significant adverse effects noted**

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

**No significant adverse effects noted**

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

**No significant adverse effects noted**

- C.7 Other impacts (including changes in use of either quantity or type of energy).

**No significant adverse effects noted**

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

August 6, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

August 6, 2007

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**TIM HORTON'S RESTAURANT**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Tim Horton's Restaurant site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 0.80 acres.

The location of the premises being reviewed is situate at 4849 Transit Road, County of Erie, Town of Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SZYMANSKI  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
TIM HORTON'S RESTAURANT  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
  - It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate affect on threatened or endangered species.
  - Herbicide or pesticide may be applied for lawn care purposes
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or palaeontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action may have a small to moderate impact on existing transportation systems.
  - In a letter dated March 29, 2007 to the Town Attorney, the NYS Department of Transportation notes, "The proposed development will not have a significant impact on the state highway system.
  - There is the expectation of signalization in the vicinity of Kohl's Department Store which is located at 4835 Transit Road, Lancaster. It is expected that such signalization will cause a break in traffic, thus permitting left hand turns into and out of the proposed development as well as Michael Anthony Lane to the immediate north of the site.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.
  - The proposed development may create additional demand for police and fire services.
  - The proposed development will create employment.
20. There is likely to be public controversy related to potential adverse environmental impacts related to traffic.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

August 6, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.



The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

August 6, 2007

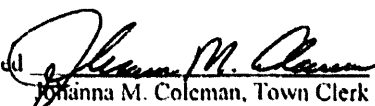
**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND  
SECONDED BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE  
MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:00 P.M.

Signed

  
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 24**

**Regular Meeting**

**August 6, 2007**

# **Town Board Minutes**

August 6, 2007

Meeting No. 24

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of August 2007 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matter:

- Informed the Board that Congressman Reynolds will meet with Depew residents on August 14, 2007 regarding cleanup of toxic substances found at homes in Depew

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- contract for design services regarding the re-use of the former ambulance garage
- storm sewers and drainage
- Tim Horton's Restaurant on Transit Road near Kohl's

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matters:

- Town's acquisition of lot in Meadowlands Subdivision
- V&T Amendments for stop signs

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matter:

- NYS Property Protection Act

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon proposed amendments to the Vehicle & Traffic Ordinance of the Town of Lancaster, namely stop intersections in Trentwood Trail Subdivision and Michael's Landing Subdivision.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Michael George	372 Seneca Place	Proponent
Ron Morgan	8 Ann Marie Drive	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:38 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

August 6, 2007

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
July 16, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 6th day of August, 2007 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, a Notice of said Public Hearing was duly published and posted:

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on August 6, 2007;
3. That a Certified Copy thereof be published in the Lancaster Bee on August 9, 2007;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

**LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION  
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto the following:**

**TRENTWOOD TRAIL SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>SIGN LOCATION</u></b>
Seneca Place	Trentwood Trail	N.E. Corner
Seneca Place	Trentwood Trail	S.W. Corner

and

**MICHAEL'S LANDING SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>LOCATION</u></b>
Sagebrush Lane	Ann Marie Drive	N.E. Corner
Sagebrush Lane	Ann Marie Drive	S.W. Corner

August 6, 2007

STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :

**THIS IS TO CERTIFY** that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 6th day of August, 2007, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 6th day of August, 2007.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK. TO WIT:

**WHEREAS**, Assembly Minority Leader James N. Tedisco has requested municipalities to review the proposed New York State Property Protection Act which has been introduced in the New York State Assembly, and

**WHEREAS**, the Board has so reviewed the proposed New York State Property Protection Act and finds that the provisions in it would provide that for State funding for mandates to municipalities costing more than \$10,000 annually, financial assistance to consolidate services and combat Medicaid fraud, local option for insurance pooling and a state takeover of all optional Medicaid services, and

**WHEREAS**, the Town Board deems it in the public interest to support this proposed legislation in the New York State Assembly;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby urges the New York State Legislature to pass the New York State Property Taxpayer Protection Act, and

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution shall be transmitted by the Town Clerk to the Governor of the State of New York, the temporary President of the New York State Senate, the Speaker of the New York State Assembly and to State Senator Dale Volker and Assembly Members Michael Cole and Dennis Gabryszak.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, the Town Board has considered a request by William Bosse, 187 Belmont Avenue, Lancaster, New York 14086 to exchange building subplot No. 19 in Meadowlands Subdivision which he owns and which is presently used as a detention area in return for the payment by the Town of \$5,000 which will cover the expenses of Mr. Bosse in installing drainage on the building lot which action was undertaken after the Town mistakenly advised Mr. Bosse that the lot was now a buildable lot and no longer needed for detention, and

**WHEREAS**, the Town Board after due review believes it to be fair and equitable to cause compensation to be made to William Bosse in the sum of \$5,000 based upon the mistaken directive given to him by the Town and in exchange therefore Mr. Bosse will convey the building lot to the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to cause the payment of \$5,000 to William Bosse which will cover the expenses incurred by William Bosse for the installation of a storm water drainage system on subplot No. 19 in Meadowlands Subdivision upon William Bosse providing a deed to the Town of Lancaster conveying all right title and interest to subplot No. 19 in Meadowlands Subdivision.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Superintendent Richard Reese in the Town of Lancaster Highway Department has requested that the Town Board authorize an invitation to bid for the curb and driveway approach replacement, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bid for the curb and driveway approach replacement, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on August 28, 2007 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File: rcurbconstruction807

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M., Local Time, on the 28<sup>th</sup> day of August 2007, for curb and driveway approach replacement, said bids to be in conformance with the specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000 00) payable to the Supervisor of the Town of Lancaster and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter  
dated July 23, 2007 has requested the addition of a member to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company the following  
individual:

**ADDITION:**

Kevin Bergum  
5350 William Street  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has received and reviewed a proposal from Fox & Company LLP dated July 20, 2007 to provide auditing services for years 2007 through 2011 and other services related thereto, for a cost of \$27,500 for each of the five years, and

**WHEREAS**, Fox & Company has also included in the beforementioned proposal a guarantee that if for any reason the Town is not satisfied with their services the Town may elect to cancel the contract at the end of any year with no ongoing obligation for the following years, and

**WHEREAS**, after due review and consideration the Town Board deems it in the public interest to retain Fox & Company for said services;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts the above referenced proposal from Fox and Company LLP dated July 20, 2007 and further authorizes the Supervisor of the Town of Lancaster to countersign the proposal thereby entering into a contract with Fox and Company LLP to provide the services as set forth in said proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has requested that Wm. Schutt & Associates, PC provide the Town of Lancaster with a proposal to perform professional services regarding the design of the adaptive re-use of existing ambulance building at the rear of the Town Hall, and

**WHEREAS**, Wm. Schutt & Associates, PC has provided a proposal which has been duly reviewed and considered by the Town Board, and

**WHEREAS**, the Town Board deems it in the public interest to move forward with the engagement of Wm. Schutt & Associates, PC to provide professional services as beforementioned;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Wm. Schutt & Associates, PC, 37 Central Avenue, Lancaster, New York to perform professional services regarding the design of the adaptive re-use of the existing ambulance building at the rear of the Town Hall at 21 Central Avenue for a sum not to exceed \$68,750.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File rwmschutt&associates807

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has been made aware through the efforts of Barbara Carr, Executive Director of the Erie County SPCA a private not-for-profit organization, that the SPCA is applying for a Community Collaboration Grant from Maddies Fund Foundation for much needed funding which requires the support of local municipalities in providing records over a 7 year period, and

**WHEREAS**, the Town of Lancaster has been asked by Ms. Carr to agree to provide information for a seven year period commencing in the year 2007 which includes records and statistics of the Town of Lancaster Dog Control Office regarding the number of dogs which are picked up by the Town Dog Control Officer and housed and for which no claim of ownership is made thereby resulting in either adoption or euthanasia, and

**WHEREAS**, the Town of Lancaster is aware that the Erie County SPCA as a private not-for-profit organization is highly regarded in caring for dogs until adoption arrangements can be made, and

**WHEREAS**, the Town Board after due review and consideration deems it to be proper and in the public interest to cause the Dog Control Office of the Town of Lancaster to provide statistics and records regarding unclaimed dogs and adoptions in order to support the Erie County SPCA grant application to the Maddies Fund Foundation in California;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes and directs that the Dog Control Officer of the Town of Lancaster provide statistics and records as requested by the Erie County SPCA regarding dogs whose ownership is unclaimed and further information regarding adoptions of dogs to the Erie County SPCA for a period of seven years commencing January 1, 2007.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster had previously authorized the Supervisor to enter into a contract for the sale of the Town owned Library building at 321 Columbia Avenue to Southeast Community Work Center, Inc. and

**WHEREAS**, the contract provided that in the event the purchaser was unable to gain the necessary approvals from the Village of Depew by August 1, 2007 that the purchaser had the right to withdraw from the contract, and

**WHEREAS**, the purchaser was unable to obtain the necessary special use permit from the Village of Depew within the time frame recited in the agreement and has now submitted a Release From Purchase Agreement to the Town for signature, and

**WHEREAS**, the Town Attorney has reviewed the release and takes no exception thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a Release From Purchase Agreement with Southeast Community Work Center, Inc. which releases Southeast Community Work Center, Inc. as the purchaser and the Town of Lancaster as the seller from the contract previously entered into by the parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Anthony Santiago, 20 Pineview Lane, Lancaster, New York 14086, has submitted a site plan prepared by Erdman Anthony and Associates, dated June 25, 2007 and received June 25, 2007 for the proposed development of a **Dairy Queen Grill and Chill Restaurant** located at 6711 Transit Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan at its meeting held on July 11, 2007 and recommended approval, and

**WHEREAS**, a SEQR Review of this project was held August 6, 2007 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Anthony Santiago and prepared by Erdman Anthony and Associates, dated June 25, 2007 and received June 25, 2007 for the proposed development of a **Dairy Queen Grill and Chill Restaurant** located at 6711 Transit Road in the Town of Lancaster with the following conditions:

- The curb cut accessing Transit Road must be widened with the appropriate permit issued from New York State Department of Transportation for the expanded curb cut.
- The developer must develop a combination storm water system which will drain both to a retention basin and to an underground, oversized pipe where storm water will be stored. The Town Engineer shall have final approval on the drainage plan. The developer must obtain approval from Robert Harris of Wm. Schutt & Associates for the retention basin and underground storage of storm water.
- Light standards shall be no higher than 15' from the ground level to the top of the lighting element and the lighting elements shall have flat lenses.
- The developer shall provide an adequate garbage receptacle placed at the entrance to the drive-thru window area.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File: r3pdairyqueen807

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK. TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 9434 to Claim No. 9833 Inclusive

Total amount hereby authorized to be paid: \$774,028.74

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the New York State Department of Environmental Conservation has acted on a grant application to the Town of Lancaster and has awarded the sum of \$6,000 for storm related tree damage resulting from the October 2006 storm, and

**WHEREAS**, the DEC has provided an agreement to the Town by which agreement the financial assistance part of the grant will be paid to the Town, and

**WHEREAS**, the Town board has reviewed and considered this grant and deems it in the public interest to accept the award of the grant,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into and execute a project agreement with the New York State Department of Environmental Conservation for financial assistance to the Town of Lancaster under a Western New York Municipal Urban Forest Restoration Assistance Grant in an amount not to exceed \$6,000.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPNIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
 reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived  
 for this permit.  
 (CSW) = Conditional sidewalk waiver.  
 (V/L) = Village of Lancaster

**NEW PERMITS:**

14874	Cooper Sign Co	6425 Transit Rd	Er. Sign	
14878	Janis, Diane	3626 Bowen Rd	Er. Shed	
14879	Natale Building Corp	20 Nicholas Ln	Er. Dwlg.-Sin.	
14880	Fix, Richard	1274 Penora St	Er. Pool-Abv Grnd	
14881	Malecki, Matthew	15 Oakwood Ave	Er. Fence	(V/L.)
14882	Keepsake Homes Inc	2 Traceway	Er. Dwlg.-Sin.	
14883	Graham, Brian	30 Biscayne Dr	Er. Fence	
14884	Rich Pools Inc	274 Enchanted Forest	Er. Pool-Abv Grnd	
14885	O'Grady, Michael	46 Southpoint Dr	Er. Deck	
14886	O'Grady, Michael	46 Southpoint Dr	Er. Fence	
14887	City Fence Inc	250 Seneca Pl	Er. Fence	
14888	Ordon, Jack	1 Robinwood Ct	Er. Deck	
14889	Beetow, Douglas	30 Sawgrass Ln	Er. Deck	
14890	Men At Work	29 Court St	Er. Garage	(V/L.)
14891	Giancarlo, Jack	31 Southpoint Dr	Er. Shed	
14892	Beauty Pools Inc	30 Sawgrass Ln	Er. Pool-In Grnd	
14893	Beauty Pools Inc	30 Sawgrass Ln	Er. Fence	
14894	Colley's Pool Sales	428 Lake Ave	Er. Pool-In Grnd	
14895	Majestic Pools Inc	5 Beatrix Cir	Er. Pool-In Grnd	
14896	Majestic Pools Inc	5 Beatrix Cir	Er. Fence	
14897	Duro-Shed Inc	47 Sawgrass Ln	Er. Shed	
14898	Diana, Donald	17 Camner Ave	Er. Res. Alt.	(V/L.)
14899	Dombrowski, Glenn	6291 Genesee St	Er. Shed	
14900	Rich Pools Inc	3 Stone Hedge Dr	Er. Pool-Abv Grnd	
14901	Duro-Shed Inc	24 Kelly Ct	Er. Shed	(V/L.)
14902	Friol, Daniel	9 Meadow Lea Dr	Er. Pool-Abv Grnd	
14903	Marrano/Marc Equity	6 Carlisle St	Er. Dwlg.-Sin.	
14904	Iroquois Fence Inc	5 Southwest Pky	Er. Fence	(V/L.)
14905	M & H Construction	44 Sagebrush Ln	Er. Res. Add.	
14906	Swimco Mfg	259 Broezel Ave	Er. Fence	
14907	Swimco Mfg	259 Broezel Ave	Er. Pool-In Grnd	
14908	Picket Fence	44 Summerfield Dr	Er. Fence	

14909	Niagara Construction	4797 William St	Er. Res. Alt.	
14910	Niagara Construction	4797 William St	Er. Deck	
14911	First Bible Baptist	555 Central Ave	Er. Shed	
14912	M & H Construction	76 Steinfeldt Rd	Er. Res. Add.	
14913	Marrano/Marc Equity	4 St Davids Rd	Er. Dwlg.-Sin.	
14914	Marrano/Marc Equity	13 Juniper Blvd	Er. Dwlg.-Sin.	
14915	Keysa, James	5454 Broadway	Er. Fence	(V/L)
14916	Nowicki, Jeffry	639 Erie St	Er. Deck	
14917	Decks Etc.	284 Enchanted Forest	Er. Deck	
14918	Sarmat Inc	68 Sixth Ave	Er. Res. Add.	(V/L)
14919	Swimco Mfg.	354 Westwood Rd	Er. Fence	
14920	Swimco Mfg.	354 Westwood Rd	Er. Pool-In Grnd	
14921	Miller, James	9 Quail Hollow	Er. Fence	
14922	Marrano/Marc Equity	31 Chicory Ln	Er. Dwlg.-Sin.	
14923	Iroquois Fence Inc	27 Sagebrush Ln	Er. Fence	
14924	Jeffrey Stribing	99 Sixth Ave	Er. Res. Add.	(V/L)
14925	Torrelli, Frank	32 Schlemmer Rd	Er. Shed	
14926	Expert Fence Co Inc	2167 Como Park	Er. Fence	(V/L)
14927	Homes by Natale	18 Nicholas Ln	Er. Dwlg.-Sin.	
14928	Marrano/Marc Equity	14 Pelham Rd	Er. Dwlg.-Sin.	
14929	Wrazen, John	64 Second Ave	Er. Res. Alt.	(V/L)
14930	Cravatta, William Jr	20 Heritage Dr	Er. Deck	
14931	All Around Fence	1276 Ransom Rd	Er. Fence	
14932	Piechowiec, Denise	16 Liberty St	Er. Shed	(V/L)
14933	Nowak, Leo	151S Irwinwood Rd	Er. Fence	(V/L)
14934	Duro Shed Inc	26 Sawgrass Ln	Er. Shed	
14935	Heritage Fence Co	274 Enchanted Forest	Er. Fence	
14936	Sun Enterprises	274 Enchanted Forest	Er. Shed	
14937	Gabalski, Daniel	46 Woodlawn Ave	Er. Fence	(V/L)
14938	City Fence Inc	197 Stony Rd	Er. Fence	
14939	Blakeley, David	153 Central Ave	Demolition	(V/L)
14940	Northtown Home Impr	24 Hemlock Ln	Er. Deck	
14941	Forestream Village	4733 Transit Rd	Er. Sign-Wall	
14942	Majestic Pools Inc	390 Seneca Pl	Er. Pool-In Grnd	
14943	Majestic Pools Inc	390 Seneca Pl	Er. Fence	
14944	Schneckenberger & Son	62 Rehm Rd	Er. Deck	
14945	Atlantic Garages	5928 Broadway	Er. Garage	
14946	Leisurewood Decks	8 Wendtworth Ct	Er. Deck	
14947	Iroquois Fence Inc	3 Heathrow Ct	Er. Fence	
14948	Picket Fence	1 Butler Dr	Er. Fence	
14949	Duro Shed Inc	8 Peachtree Ct	Er. Shed	
14950	Marrano/Marc Equity	6 St Davids Rd	Er. Dwlg.-Sin.	
14951	Creative Fence	88 Kennedy Ct	Er. Fence	
14952	Marrano/Marc Equity	25 Chicory Ln	Er. Dwlg.-Sin.	

14953	Marrano/Marc Equity	27 Chicory Ln	Er. Dwlg.-Sin.	
14954	Marrano/Marc Equity	15 Chicory Ln	Er. Dwlg.-Sin.	
14955	Rich Pools	42 Stony Brook Dr	Er. Pool-Abv Grnd	
14956	Browne, Shawn	11 Traceway	Er. Deck	
14957	Gizzi, Daniel	7 Via Donato W	Er. Shed	
14958	Ryan Homes	12 St Anthony St	Er. Dwlg.-Sin.	
14959	Tile Shoppe Ent	4401 Walden Ave	Er. Sign-Wall	
14960	MacPherson, Justin	2021 Como Park Blvd	Er. Shed	(V/L)
14961	Crist Construction	1119 Penora St	Er. Res. Add.	
14962	Economy Tree Service	6711 Transit Rd	Dem. Bldg	
14963	Active Fence Inc	7 Via Donato W	Er. Fence	
14964	Hanrahan, Michael	371 Erie St	Er. Garage	
14965	Kidd's Korner	2655 Wehrle Dr	Er. Sign-Temp	
14966	Bison Fence Co	260 Pleasant View Dr	Er. Fence	

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT :

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, designated as Chapter 46 of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on a proposed amendment to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20<sup>th</sup> day of August, 2007, at 8:35 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before August 9, 2007, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 6, 2007

File: rvtblindpersonchild807



**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6<sup>th</sup> day of August 2007, the said Town Board will hold a Public Hearing on the 20th day of August, 2007, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to Article XVI, Safety Zones, of the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46  
ARTICLE XVI  
SAFETY ZONES**

**§46-24. Deaf children and blind children areas, (B), shall be amended by adding thereto the following:**

**B. ....**

**(2) 129 Simme Road, Lancaster, New York.**

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

August 6, 2007

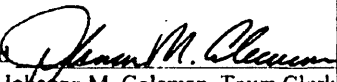
## COMMUNICATIONS & REPORTS:

380. Northwood Village Association to Town Board -  
Petition requesting Wal-Mart to consider cleaning and refinishing decks and buildings soiled during construction. DISPOSITION = Supervisor
381. Highway Superintendent to Grantmakers Advantage Inc.-  
Request assistance to secure funding through State Multi-Model Program for replacement of box culverts on Siebert Road and Steinfeldt Road. DISPOSITION = Received & Filed
382. Highway Superintendent to Town Board -  
Request to fund through bonding replacement of box culverts on Siebert Road and Steinfeldt Road. DISPOSITION = Received & Filed
383. Erie County Department of Environment and Planning to Erie County Community Development Consortium -  
Quarterly report of completed projects funded through Community Development Consortium  
DISPOSITION = Received & Filed
384. Chris T. Burnea to Supervisor -  
Letter regarding proposed closing of St. Joseph's Hospital. DISPOSITION = Received & Filed
385. Planning Board to Town Board -  
Recommend approval of site plan for proposed Dairy Queen Grill and Chill Restaurant, Transit Road. DISPOSITION = Resolution 8/6/07, Planning Committee
386. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held July 11, 2007. DISPOSITION = Received & Filed
387. Town of Cheektowaga to Town Board -  
Transmittal of resolution requesting Erie County to dedicate County forest lands as parklands and to protect them from lumbering. DISPOSITION = Received & Filed
388. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Notice of meeting to be held August 1, 2007, 9:30 AM in Buffalo. DISPOSITION = Received & Filed
389. NYS Department of Economic Development to Town Board -  
Notice of Restore New York's Communities Initiative, Round 2 and request for funding proposals. DISPOSITION = Received & Filed
390. Erie County Department of Environment & Planning to Critoph Engineering -  
Transmittal of approved Sanitary Sewer Construction Plans regarding Salvatore's Italian Gardens addition. DISPOSITION = Planning Committee
391. Town of Cheektowaga to Town Board -  
Transmittal of resolution in support of Spartan II body armor vests for U.S. soldiers  
DISPOSITION = Resolution 7/16/07
392. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held July 18, 2007. DISPOSITION = Received & Filed
393. Planning Board to Town Board -  
Recommend approval of preliminary plat plan of "Greens at Pleasant Meadows" Subdivision 4; conditions noted. DISPOSITION = Planning Committee
394. Twin District Fire Company to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 8/6/07
395. Town Attorney to Town Board, Planning Board -  
Notice of SEQR meeting to be held August 6, 2007, 6:30 PM regarding proposed Tim Horton's Restaurant and Dairy Queen Grill and Chill Restaurant. DISPOSITION = Received & Filed

396. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held August 6, 2007, 6:30 PM regarding proposed Tim Horton's Restaurant and Dairy Queen Grill & Chill Restaurant. DISPOSITION = Received & Filed, Resolution 8/6/07
397. NYS DEC to Town Attorney -  
Notice of lead agency designation regarding Dairy Queen Grill & Chill Restaurant, 671 Transit Road; comments noted. DISPOSITION = Received & Filed
398. Corn E Clowns to Town Board -  
Request for resolution to proclaim August 1 - 7, 2007 as International Clown Week  
DISPOSITION = Received & Filed
399. Village of Lancaster Special Events to Town Board -  
Notice of certain street and parking lot closures in downtown area for Taste of Lancaster and 3 on 3 Basketball Tournament, August 3 - 4, 2007. DISPOSITION = Received & Filed
400. Town Clerk to Town Board -  
Final report of 2007 County/Town tax collection. DISPOSITION = Received & Filed
401. Linguine's Italian Restaurant to Town Clerk -  
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
402. Ripa's Restaurant to Town Clerk -  
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
403. Highway Superintendent to Town Board -  
Request for extension of employment of Timothy Gwarak as summer Highway Department help. DISPOSITION = Received & Filed
404. Town Attorney to Town Board, Planning Board -  
Transmittal of responses to concerns from the January 3, 2007 Planning Board meeting regarding Roseland Subdivision, Phase 2. DISPOSITION = Planning Committee
405. Columbus Club of Lancaster Inc. to Town Clerk -  
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
406. NYS DEC to Earth Dimensions, Inc. -  
Notice of receipt of incomplete Joint Application for Permit regarding Summerfield Farms Subdivision; comments and concerns noted. DISPOSITION = Planning Committee
407. Roger J. Amadori to Directors, Lancaster Historical Society -  
Transmittal of audited financial statement of the Historical Society for the year ended December 31, 2006. DISPOSITION = Received & Filed
408. Town Assessor to Town Board -  
Request for re-appointment as Town Assessor. DISPOSITION = Personnel Committee
409. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice from Town Forestry Department of no issues with Informal Site Review regarding "Townhomes at Pleasant Meadows". DISPOSITION = Planning Committee
410. Town of Clarence to Town Board -  
Solicitation for Lead Agency Status from Town of Clarence regarding proposed master Plan Amendments. DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 8:53 P.M.**

Signed   
Johanna M. Coleman, Town Clerk